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**REMARKS**

Prior to the present response, claims 1-9 were pending in the present application. By the present amendment, independent claim 1 has been amended. Thus, claims 1-9 remain in the present application. Reconsideration and allowance of pending claims 1-9 in view of the above amendments and the following remarks are respectfully requested.

**A. Rejection of claims 1-9 under 35 USC §102(b)**

The Examiner has previously rejected claims 1-9 under 35 USC §102(b) as being anticipated by U.S. Patent Number 5,780,891 to Kauffman et al. (hereinafter "Kauffman"). For the reasons discussed below, Applicants respectfully submit that the present invention, as defined by currently amended independent claim 1, is patentably distinguishable over Kauffman.

In the course of previous responses to rejections raised by the Examiner, Applicants have respectfully asserted that a patentably distinctive difference between the present invention, as defined by independent claim 1, and the disclosure provided by Kauffman, is the disposition of the anti-reflective interpoly layer in the core stack comprised by the present invention's flash memory device. Applicants have previously asserted, and continue to respectfully assert, that the present application discloses a flash memory core stack in which the anti-reflective interpoly layer is formed atop and in contact with a first polysilicon layer. By contrast, Kauffman teaches formation of an

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intervening silicon dioxide layer between the first polysilicon layer and the anti-reflective interpoly layer.

The essence of the remaining disagreement between the Examiner and Applicants seems to arise from interpretation of the word “on.” According to the Examiner, Applicants’ previously presented request for reconsideration failed to result in allowance because: “The term ‘on’ does not require in direct contact with the underlying layer.” *See*, page 1, item 11 of the Advisory Action of March 25, 2008. Although Applicants respectfully disagree with the Examiner’s conclusion in this regard, and continue to submit that “on” means “atop and in contact with,” independent claim 1 of the present application is currently amended so as to eliminate any perceived ambiguity regarding the position of anti-reflective interpoly layer 48.

Thus, in its currently amended form, independent claim 1 recites, in part, “an anti-reflective interpoly layer atop and in contact with the first polysilicon layer; . . . .” *See*, currently amended claim 1. The current amendment to claim 1 is fully supported by the present disclosure, which describes the positioning of the present invention’s anti-reflective interpoly layer by reference to Figure 2. As may be seen from Figure 2, anti-reflective interpoly layer 48 is unambiguously shown to lie atop and in contact with first polysilicon layer 46. Moreover, as the Examiner has previously noted, in one embodiment, a silicon oxynitride layer is “the anti-reflective material” due to its “intrinsic” properties. *See*, e.g. page 2, item 2 of the Final Rejection of November 15, 2007. Consequently, when the anti-reflective interpoly layer comprises a layer of silicon

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oxynitride, that silicon oxynitride layer is atop and in contact with the first polysilicon layer, according to currently amended independent claim 1.

In light of the current amendment to independent claim 1, Applicants reiterate the patentable distinctiveness of the present invention over Kauffman. For example, in contrast to the claims of the present application, Kauffman does not teach disposition of a silicon oxynitride layer on a first polysilicon layer. Rather, Kauffman teaches that first silicon dioxide layer 20 (rather than an anti-reflective interpoly layer) is formed on first polysilicon layer 18. *See*, col. 3, lines 60-64, and Figure 3 of Kauffman. Subsequently, “oxynitride layer 22 is deposited over first silicon dioxide layer 20,” (not first polysilicon layer 18). *Id.* at col. 4, lines 1-3, and Figure 3. In other words, Kauffman discloses forming an intervening silicon dioxide layer between his anti-reflective interpoly layer and an underlying first polysilicon layer.

Furthermore, Kauffman is unequivocal in stating that the anti-reflective interpoly layer provided by silicon oxynitride is not to be conflated or confused with other interpoly materials: “In the present invention, by contrast, the oxynitride film is a separate and distinct compound deposited over the underlying layer of silicon dioxide.” *Id.* at column 2, lines 47-50. Thus, Kauffman fails to teach, disclose, or suggest an anti-reflective interpoly layer atop and in contact with a first polysilicon layer, as claimed by currently amended independent claim 1 defining the present invention.

For the foregoing reasons, Applicants respectfully submit that at the time the invention defined by currently amended independent claim 1 was made, the invention was

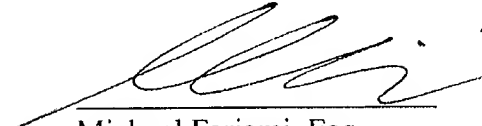
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not anticipated by, nor would have been obvious in light of the disclosure provided by Kauffman. As a result, claims 2-9, depending from currently amended independent claim 1, are also patentably novel and inventive over Kauffman for the additional limitations contained in each dependent claim.

**B. Conclusion**

Based on the foregoing reasons, the present invention, as defined by currently amended independent claim 1 and claims depending therefrom, is patentably distinguishable over the art cited by the Examiner. Moreover, Applicants assert that no new matter has been introduced herein. Thus, claims 1-9 pending in the present application are patentably distinguishable over the art cited by the Examiner. As such, and for all the foregoing reasons, allowance of claims 1-9 pending in the present application is respectfully requested.

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Respectfully Submitted,  
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